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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ANDREW SCOTT,	:	
	:	
Petitioner,	:	
	:	1:20-cv-07809 (ALC)
-against-	:	
	:	<u>ORDER</u>
LETITIA JAMES,	:	
	:	
Respondent.	:	
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**ANDREW L. CARTER, JR., United States District Judge:**

On September 22, 2020 Mr. Scott filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 2. On October 1, 2020 the Court issued an Order to Answer. ECF No. 5. Respondent submitted an answer on February 25, 2021 asserting that (1) two of Petitioner's claims are unexhausted; (2) two of Petitioner's claims are not cognizable on federal habeas review; (3) the remaining claims are neither contrary to, nor an unreasonable application of, clearly established federal law as determined by the U.S. Supreme Court. ECF No. 11. In accordance with the Court's Order to Answer, Petitioner's reply was due on March 29, 2021. Instead of submitting a reply, on March 30, 2021, Petitioner filed a motion to stay the habeas petition in abeyance "while [he] return[s] to state court to exhaust his previously unexhausted claims" and asking "that the district court . . . lift the stay and allow [him] to proceed in federal court" once his claims are exhausted. ECF No. 12.

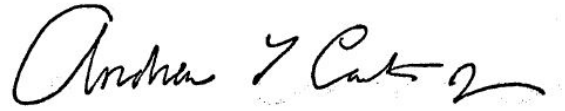
Petitioner's motion to stay the habeas petition in abeyance is **DENIED** without prejudice. Petitioner is hereby **GRANTED** an extension to submit a reply in further support of his habeas petition by no later than May 5, 2021. Petitioner is directed to address all of Respondent's arguments. The Court will then determine whether to stay the habeas petition in abeyance.

Respondent is hereby **ORDERED** to serve this order on Petitioner by first class mail and file proof of service by April 9, 2021.

The Clerk of Court is directed to terminate ECF No. 12.

**SO ORDERED.**

**Dated: April 5, 2021**  
**New York, New York**

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

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**ANDREW L. CARTER, JR.**  
**United States District Judge**